

**SUBJECT:** Modifying out-of-state licensing for certain therapists and counselors

**COMMITTEE:** Human Services — committee substitute recommended

**VOTE:** 9 ayes — Frank, Hinojosa, Hull, Klick, Meza, Neave, Noble, Rose, Shaheen

0 nays

**WITNESSES:** For — Jan Friese, Texas Counseling Association; (*Registered, but did not testify*: Elisa Tamayo, Emergence Health Network (El Paso's LMHA); Sebastien Laroche, Methodist Healthcare Ministries of South Texas, Inc.; Greg Hansch, National Alliance on Mental Illness Texas; Carrie Simmons, Opportunity Solutions Project; Tristan Castaneda Jr., Texas Association for Marriage and Family Therapy; Lee Johnson, Texas Council of Community Centers; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Darrel Spinks, TX Behavioral Health Executive Council)

**BACKGROUND:** Occupations Code chs. 502 and 503 establish regulations for marriage and family therapists (MFTs) and licensed professional counselors (LPCs), respectively.

Sec. 502.151 specifies the general powers and duties of the Texas Behavioral Health Executive Council in relation to MFTs, which include determining the qualifications and fitness of a license applicant and adopting a code of professional ethics for license holders.

Sec. 502.1515 specifies the duties of the Texas State Board of Examiners of Marriage and Family Therapists, which include proposing to the executive council certain rules and a schedule of sanctions for violations.

Under sec. 502.252, an applicant is eligible to apply for a license as an

MFT if the person meets certain degree, examination, work hour, and supervised work hour requirements, among others.

If an applicant for an MFT license meets certain requirements, Sec. 502.2545 allows the executive council to waive the requirement that an applicant pass a specified examination for licensure. Sec. 502.259 allows the council to grant a provisional license to practice as an MFT in Texas without examination to certain applicants.

Under sec. 503.302, an individual qualifies for a license as a licensed professional counselor (LPC) if the person meets certain degree, examination, and supervised work hour requirements, among others.

Sec. 503.308 allows the executive council to provide for the issuance of an LPC temporary license for individuals who meet all of the academic requirements for licensing and enter into a supervisory agreement with a supervisor approved by the executive council.

Concerns have been raised that the application process for certain mental health professionals relocating to Texas and seeking license reciprocity can be lengthy and burdensome, and streamlining this process for such professionals could ease their transitions to Texas and help mitigate a potential shortage of licensed mental health professionals.

**DIGEST:**

CSHB 3626 would modify certain Texas licensing requirements for out-of-state marriage and family therapists (MFTs) and associates and for professional counselors and associates. The bill also would change certain duties associated with such licensing of the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas Behavioral Health Executive Council.

**Licensed marriage and family therapist.** An applicant for Texas licensure as a licensed marriage and family therapist (LMFT) who was licensed and in good standing in another state to independently practice as an LMFT and had independently practiced as such in that state before the

date the Texas application for licensure was submitted would be exempt from the yearly and hourly work experience and supervisory specifications required for such licensing in Texas. The related board also could waive the requirement that such an applicant would have to pass a specified examination.

*Licensed associate.* An applicant for a Texas license as an LMFT who practiced as an LMFT associate in another state could count that out-of-state experience toward the yearly and hourly work experience and supervisory specifications required for licensing in Texas if:

- the applicant was licensed in good standing as an MFT associate in the other state; and
- based on a review of that experience by a licensed supervisor in Texas, the related board determined that the experience was acceptable.

An MFT associate in another state or jurisdiction that had substantially similar licensing requirements to those in Texas could be eligible for a provisional license in Texas.

**Licensed professional counselor.** An applicant for Texas licensure as a licensed professional counselor (LPC) who was licensed and in good standing in another state to independently practice as a professional counselor or as an art therapist and had independently practiced as such in that state for at least the two years preceding the date the Texas application was submitted would be exempt from the supervised experience hours required for LPC licensing in Texas. The related board also could waive the requirement that such an applicant pass the license examination, but the applicant would be required to pass the jurisprudence examination.

*Associate license.* The bill would rename the "Temporary License" provisions for LPCs as "Associate License" provisions and make related conforming changes.

The bill would take effect September 1, 2021, and would apply only to an application for a license submitted on or after that date.